

**REMARKS**

Review and reconsideration on the merits are requested.

Claims 1-5 and 8-12 are allowed.

Claim 6 is rejected.

Applicants appreciate the Examiner accepting the drawings filed August 10, 2005 and acknowledging receipt of the two priority documents from the International Bureau.

Turning to the Action, the objection to the specification is attended to by inserting a period after the word "voids" in line 6.

Applicants now address the rejection of claim 6 under 35 U.S.C. § 102(b) as anticipated by Japan Patent Document No. 2002-53,321 A (JP '321). The Examiner's reading and application of claim 6 to JP '321 are set forth in the Action and will not be repeated here except as necessary to an understanding of Applicants' traversal which is now presented.

**Traversal**

In the 1.111 AMENDMENT filed October 10, 2006, Applicants urged that as JP '321 does not include any spraying drying of a slurry, the production method disclosed was different from that of the present invention. The Examiner has, however, correctly pointed out that Paragraph No. [0024] in JP '321 expressly sets forth that the drying method may be "spray drying."

In distinction, in accordance with the present invention, as disclosed in the paragraph bridging pages 11-12 of the specification, the lithium carbonate and manganese oxide as starting materials are preferably of a size of 1  $\mu$ m or smaller, and in order to obtain such a particle size manganese oxide powder and lithium carbonate are pulverized after being added to water.

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Appln. No.: 10/505,141

Thus, the difference between the production method according to the present invention and that according to JP '321 is not the presence or absence of "spray drying," but the presence or absence of "pulverization." In the present invention, the "pulverization" of the powders of the starting materials is performed, whereas in JP '321 the powders of the starting materials are not pulverized in order to maintain the form of grape clusters of  $\epsilon$ -MnO<sub>2</sub>.

These differences are now emphasized in claim 6.

Applicants appreciate that it is after final rejection, but consideration of this AMENDMENT is requested.

If the Examiner remains unconvinced, the Examiner is requested to contact the undersigned at the later given telephone exchange.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

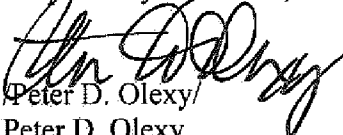
WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: December 27, 2006

Respectfully submitted,

  
Peter D. Olexy  
Peter D. Olexy  
Registration No. 24,513